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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,545	09/01/2000	Sheila Renee Crosby	RCA 88696	8707

7590 02/25/2004
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EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

Office Action Summary

Application No.

09/486,545

Applicant(s)

CROSBY ET AL.

Examiner

Truc T Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is responsive to Amendment A, filed 12/16/03.
2. Claims 1-14 are pending in this application. In the Amendment A, claims 1, 7, 9 and 13 are independent claims, and claims 1 and 9 are amended. This action is made final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said highlight" in line 6. There is insufficient antecedent basis for this limitation in the claim.

All others dependent claims are also rejected because of their dependency.

Claim Rejections - 35 USC § 102

5. Claims 1-3 and 5-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Florin et al. (U.S. Patent No. 5,594,509).

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As to claim 1, Florin teaches a system for navigating within a display having one or more display sections (figs. 33-35), comprising:

means for selecting a section of said display (col. 3 lines 2-8 and fig. 24);

means for navigating within said first section of said display (figs 24 and 33&34 are related because a particular category can be selected from all particular categories 140 to display and navigate that selected program, col. 20 line 66-col. 21 line 15, and figs. 24 & 33-34);

control means for displaying a navigational symbol on a border of a selected section (element 315 of fig. 24), said symbol corresponding to a direction in which a highlight may be moved (highlighted program listings, col. 3 lines 22-25, jump button, lines 52-59); and

said control means moves said highlight to a second of said display (navigating between different section, col. 20 line 66-col. 21 line 15, and figs. 33-34) in said corresponding direction in response to the steps of highlighting said navigational symbol on said border of said first selected section and selecting said navigational symbol (move between pages, col. 14 lines 21-25, col. 18 lines 35-47; and moreover, figs 24 and 33&34 are related because a particular category can be selected from all particular categories 140 to display and navigate that selected program, col. 20 line 66-col. 21 line 15, and figs. 24 & 33-34).

As to claim 2, Florin teaches the system of claim 1 wherein said symbol indicates an availability of an adjacent section in said corresponding direction (next higher number channel,

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col. 18 lines 49-60 and figs. 24, 27; or highlighted smaller screen, col. 20 lines 49-52 and figs. 33-35).

As to claim 3, Florin teaches the system of claim 1 wherein said different sections of the display represent different frames (figs. 33-35).

As to claim 5, Florin teaches the system of claim 1 wherein said control means moves said highlight in said corresponding direction to another icon in said selected section if another icon exists in said selected section in said corresponding direction (col. 21 lines 16-28 and element 380 of figs. 33-35).

As to claim 6, Florin teaches the system of claim 2 wherein said control means moves said highlight in said corresponding direction to another icon in said adjacent section if no other icon exists in said selected section in said corresponding direction (col. 21 lines 19-28 and figs. 33-35).

As to claim 7, this claim is a combination of claims 1, 5, and 6. Note the rejections of claims 1, 5, and 6 above.

As to claim 8, Florin teaches the system of claim 7 wherein said controller causes said navigational control to be displayed, if an adjacent section is available in a direction indicated by said navigational control (col. 13 lines 60-66; col. 18 lines 49-60 and figs. 24, 27).

As to claims 9, this is a method claim of system claim 1. Note the rejection of claim 1 above.

As to claim 10, this is a method claim of system claim 2. Note the rejection of claim 2 above.

As to claims 11 and 12, these are method claim of system claims 5 and 6. Note the rejections of claims 5 and 6 above respectively.

As to claims 13 and 14, these are method claims of claims 7 and 8. Note the rejections of claims 7 and 8 above respectively.

Claim Rejections - 35 USC § 103

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Florin et al. (U.S. Patent No. 5,594,509) in view of Montalbano (U.S. Patent No. 5,918,237).

As to claim 4, Florin teaches the system of claim 1 wherein said different sections of the display but Florin does not shows the sections of the display represent different web pages. Montalbano clearly teaches the sections represent different web pages (col. 4 lines 1-10 and figs. 3a and 6). It would have been obvious, at the time of the invention, a person with ordinary skill in the art would add this multiple-display-different web pages into Florin's system using the same screen monitor to provide more interesting information to a user from one website to another (col. 1 lines 38-42).

Response to Arguments

7. Applicant's arguments filed 12/04/03 have been fully considered but they are not persuasive.

Applicants argued the following:

a. Florin does not teach "means for navigating within said first section of said display."

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b. Florin does not teach highlight to a second section of the display in corresponding direction in response to the steps of highlighting navigation symbol on the border.

c. Claim 7, Florin does not cover whether a visible icon in said selected section, and moving highlight to visible icon if visual icon is present and moving highlight to a navigational control if visual icon is not present.

The Examiner disagrees for the following reasons:

Per (a), Florin clearly shows moving between pages, col. 14 lines 21-25, col. 18 lines 35-47; and moreover, figs 24 and 33&34 are related because a particular category can be selected from all particular categories 140 to display and navigate that selected program, col. 20 line 66-col. 21 line 15, and figs. 24 & 33-34.

Per (b), Florin clearly provides the control buttons and navigation icons in figs. 24, 33&34 on the border when selecting and navigating a particular display (col. 20 line 66-col. 21 line 15, and figs. 24 & 33-34).

Per (c), it can be rejected as Per (a) and (b) above, and col. 21 lines 16-53.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

02/17/04

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